

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ERIC X. RAMBERT,)	
)	2:06cv1573
Petitioner,)	Electronic Filing
)	
v.)	Judge David S. Cercone
)	Magistrate Judge Caiazza
SUPT. JAMES T. WYNDER, <i>et al</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

Eric X. Rambert's Petition for Writ of Habeas Corpus was received by the Clerk of Court on November 22, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on December 20, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Rambert be dismissed as a second or successive petition which requires prior approval from the Court of Appeals. The parties were allowed ten days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Dallas. Objections were due on or before January 8, 2007. None have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 17th day of January, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Eric Rambert is dismissed.

The Report and Recommendation of Magistrate Judge Caiazza, (Document No. 5), dated December 20, 2006, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Honorable Francis X. Caiazza
United States Magistrate Judge

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